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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/922,263	09/02/1997	ROBERT J. CROWLEY	BSME125003	1365
26389	7590	03/27/2006	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			SHAY, DAVID M	
			ART UNIT	PAPER NUMBER
			3735	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/922,263

Applicant(s)

CROWLEY, ROBERT J.

Examiner

david shay

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 6, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 7, 15, 17, 20-30, 32-44, 47, 48, 52, 53 and 63-65 is/are pending in the application.
- 4a) Of the above claim(s) 20-30, 32-44, 47, 48, 52, 53, 64 and 65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7, 15, 17 and 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The finality of the previous office action is hereby withdrawn. Below please find a new office action, this action is a result of the typographical errors present in the final rejection that do not leave a sufficiently clear record of the rejections applied to the claims and the examiner's rationale relating thereto, and of the request for reconsideration filed March 6, 2006.

Newly submitted claims 64 and 65 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the device as claimed could be used to apply light to the exterior of the body.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original for prosecution on the merits. Accordingly, claims 31-39 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP 821.03.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5, 7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinofsky in combination with Deckert et al, Deak and the admitted prior art of employing a filter for reducing exposure to undesirable wavelengths. Sinofsky teaches a light applicator with an internally inserted treatment light source and a method such as claimed except for the use of sonoluminescent light. Deckert et al teach the desirability of employing electrical conductors in the place of optical fibers. Deak teaches a laser wherein the output light is generated by sonoluminescence. It would have been obvious to the artisan of ordinary skill to employ the laser of Deak in the method of Sinofsky, since Sinofsky teaches a variety of laser configurations, and since the laser of Deak only requires a few parts and no optical fibers, since only electrical

energy need be transmitted through the catheter, which is desirable, as taught by Deckert et al, or alternatively to employ the method of Sinofsky in the method of Deak, since this provides a medical application, and in either case it would have been obvious to the artisan of ordinary skill to employ a focusing lens having a flat surface adjacent the wave matching layer and a concave surface adjacent the acoustic conductive medium, as this is just a matter of choice, since the configuration of Deak is equivalent to that claimed, as they both provide a focused beam, thus this particular configuration is not critical and provides no unexpected result; and further to employ a filter, since this is a notorious device for reducing exposure to undesirable wavelengths, official notice of which has already been taken, thus producing a device such as claimed.

Claims 17 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinofsky in combination with Deckert et al, Deak and the admitted prior art of employing a filter for reducing exposure to undesirable wavelengths, as applied to claims 1, 5, 7, and 15 above, and further in view of Putterman et al. Putterman et al teach that the generation of x-rays occurs during sonoluminescence and the use of lead zirconium titanate as a transducer material suitable for producing sonoluminescence. It would have been obvious to the artisan of ordinary skill to employ the transducers of Putterman et al, since these are capable of producing sonoluminescence and Deak teaches no particular transducer material, thus producing a device such as claimed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to david shay whose telephone number is (571) 272-4773. The examiner can normally be reached on Tuesday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader, can be reached on Monday, Tuesday, Thursday, and Friday at (571) 272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID M. SHAY
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